



Attorney's Docket No.: 13521-002001 / 2453801/PP9157/99-JMS

cp1743

SPE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Howard M. Chandler et al. Art Unit : 1743
Serial No. : 09/936,452 Examiner : L. Cross
Filed : September 12, 2001
Title : SAMPLE COLLECTION AND TESTING SYSTEM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF JULY 13, 2004

Please amend the above-identified application as follows:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 3, 2004

Date of Deposit

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01 FC:2202 54.00 DA

02 FC:2201 44.00 DA

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Serial No. : 09/936,452
Filed : September 12, 2001
Page : 9 of 9

Attorney's Docket No.: 13521-
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Applicants' claimed devices are suitable for use in situations where the sample to be tested is collected at a site that lacks laboratory facilities, equipment, and highly trained or skilled personnel, e.g., in a patient's home or in a rural area. The claimed devices are also suitable for manufacture by established high-speed processes and technologies (see page 8, lines 4-24). Because Applicants' claimed devices include a housing defining two apertures, rather than the opposable components or panels employed in the cited Lennon et al. devices, the claimed devices are simple and economic to manufacture and to use, and are particularly suitable for use in situations where the testing function is not linked to the collection of a sample (see Applicants' specification, page 4, lines 17-20 and page 6, lines 19-25).

The Chandler reference, cited to provide a teaching of guaiac-based test strips, does not supply that which is lacking in the primary reference. Accordingly, Applicants respectfully submit that the claims are patentable over the combination of Lennon and Chandler for the reasons discussed above and respectfully request that the rejection under 35 U.S.C. §103 be withdrawn.

Enclosed is a \$55 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 13521-002001.

Respectfully submitted,



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Date: November 3, 2004
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